

REMARKS

Claim 1 has been amended to clarify the language as suggested by the Examiner. The Examiner has suggested Applicant to replace the term "equipment" with the term "product". Applicant has however decided to use the term "electronic device" instead, to avoid any confusion that could have arisen with the two iterations of the word "product" on lines 2 and 4 of Claim 1. Applicant believes that the terminology "electronic device" is more precise than the term "equipment".

Claim 1 has been added to include a further claim limitation that the provider and the retailer both determine a customization procedure to be carried out after a sale of the product. Applicant has added such claim limitation in order to claim what Applicant thinks the invention is. Such amended claim language clarifies the fact that the invention relates to stimulating commercial activities between a provider of a product and a retailer.

Claim 1 has been further amended to show that the electronic device is customized with information specific to the retailer based on the determined customization procedure.

Reconsideration is respectfully requested of the rejection of Claims 1-9 under 35 USC 102(e) as being anticipated by Lemole et al (US 6,009,410).

The invention relates to a computer-implemented method of enabling a provider of a product to stimulate commercial activities with a retailer.

First, the method comprises enabling the provider and the retailer to determine a customization procedure to be carried out after a sale of the product. Such customization procedure is for example described on page 3, 1.23-page 4, 1.5.

A method of the invention further comprises enabling to be notified of a sale of the product to a customer by the retailer.

For example, the product sold by the retailer to the customer may be an Internet-enabled and/or after-market upgradeable electronic device or software (page 2, 1. 29), a mountain bike (page 5, 1.4-5), a remote control, a personal digital assistant, a television receiver, a radio (page 5, 1.27), etc.... This list of products should not be considered as a limitation of the scope of the

3/7

definition of the term "product". Applicant is just citing a few of the example products as given in the specification. The step of enabling to be notified of a sale of the product may be carried out for example through a registration procedure (see page 2, 1.31, page 3, 1.15-19, page 5, 1.9-11).

The method further comprises upon notification, enabling customizing, via a data network, an electronic device of the customer, with information specific to the retailer based on the determined customization procedure.

For example, in the example the purchase of the mountain bike, an advertisement banner with a hyperlink to the retailer's web site is displayed on the user's portal.

Thus, the amendments made to the claim are fully supported by the application as filed and the application as filed clearly enables any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same.

#### Discussion of the 102 rejection

In the Response to Arguments, the Examiner alleges "Applicant argues that Lemole does not mention customizing equipment of the customer". Applicant respectfully rebuts the Examiner's allegation. Indeed, on page 2, last paragraph, of Applicant's amendment filed March 08, 2002, Applicant states that Lemole relates to customized advertising based on a user profile that the user provided or based on previously visited web sites. Thus, Applicant respectfully agrees with the Examiner that Lemole does teach a system wherein a user's demographic and psychographic profile and data associated with websites previously visited by the user and ads previously seen by the user can be used to present customized or personalized advertisements on products (equipment).

However Applicant respectfully submits that Lemole does not disclose customizing an electronic device of the user with information specific to a retailer upon notification of a sale of a product by the retailer to the user based on the determined customization procedure.

Indeed, Lemole discloses presenting a customized advertising page comprising ads, banners, etc., for Disney World advertising their 25<sup>th</sup> Anniversary celebration, Delta airlines advertising special rates to Internet users for trips to Orlando, Fla., Sea World, National Car Rental, Universal Studios, etc... Such a customized web page is provided to user who has indicated that he is married, had two children ages 10 and 12 and is interested in traveling and them parks and lives in New Jersey. The advertisements presented to the user are specific to Disney World, Delta Airlines, Sea World, National Car Rental and Universal Studios. Lemole does not disclose configuring the customized web page based on a sale of a product by Disney World, Delta Airlines, Sea World, National Car Rental or Universal Studios to the user. On the contrary, Lemole discloses that "when that same user accesses his customized advertising repository at a subsequent time, the page presented may comprise a composite of different individual advertisers based on other profile and demographic information of that same user" "At each new visit to the customized advertising repository, the user will be presented with a different and new set of advertisers and/or special offers that was not previously presented" (col.5, l.4-8, col.5, l.19-22). Thus, even if user of PC 101 had purchased tickets or video tapes (as suggested by the Examiner), Lemole's teaching does not imply customizing a device (or the customized advertising web page) of the user with information specific with the retailer (Delta or Disney World in this assumption).

In addition, Lemole discloses that an incentive may be given to the user by his or her internet service provider to "visit" such an advertising repository. Such an incentive may be reduced Internet access charges, or the presentation of a special offer or discount for an advertised product or service only available to "visitors" to a certain site, which offers are not available to the general public. The presentation of special offer or discount for advertised products or services as disclosed in Lemole relates to product and service that the user can purchase in the future. Lemole does not disclose these special offers or discounts being specific to a retailer from which the user purchased a product as disclosed in the claim. In the invention, the customization is after a sale of the product and is done with information specific to the retailer who sold the product to the customer.

Thus, Lemole does not disclose enabling customizing the advertising web page with information specific to a retailer who sold a product to the user.

5/7

Lemole does not disclose a sale of a product by a retailer to a customer and does not disclose a customization of a device of the user with information specific to the retailer based on the determined customization procedure. Such customization procedure is carried out after the sale. Even if the teaching of a purchase of a product by the customer were to be disclosed impliedly in Lemole, Lemole still does not disclose explicitly or impliedly, enabling customizing an electronic device of the invention with information specific to the retailer (the one who sold the product to the customer) based on a customization procedure that was determined with the provider of the product.

In addition, Lemole does not disclose a provider of a product and a retailer determining a customization procedure to be carried out after a sale of a product. Lemole does not disclose a relationship between a provider of a product with a provider being without limitation, a manufacturer, an importer, a distributor or a specialized service provider and a retailer who sells the product to a customer.

It is respectfully submitted that independent Claims 1 is patentable over Lemole. It is also respectfully submitted that dependent Claims 2-9 are patentable over Lemole at least based on their dependencies.

Applicant respectfully submits that he has answered all issues raised by the Examiner and that the application is accordingly in condition for allowance. Such allowance is therefore respectfully requested.

Please charge any fees other than the issue fee to deposit account 14-1270.

Please credit any overpayments to the same account.


Official

Respectfully submitted,

FAX RECEIVED

Dated: November 8, 2002

NOV 08 2002

By   
Gwenaelle Le Pennec  
Limited Recognition under 37 C.F.R. 10.9(b)  
(408) 617-4837

GROUP 3600

6/7

## APPENDIX A

Version with Markings  
to Show Changes Made to the Claims

The following is marked up version of amended Claim 1:

- 1.(AMENDED FOUR TIMES) A computer-implemented method of [doing business to enable] enabling a provider of a product to stimulate commercial activities with a retailer, the method comprising:
- enabling the provider to determine with the retailer a customization procedure to be carried out after a sale of the product;
  - enabling to be notified of a sale of the product by the retailer to a customer;
  - upon being notified, enabling customizing, via a data network, an electronic device [of equipment] of the customer, with information [associated with] specific to the retailer based on the determined customization procedure.

7/7